

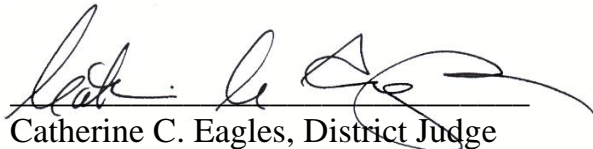
THOMAS H. KRAKAUER, )  
 )  
 Plaintiff, )  
 )  
 v. ) 1:14-CV-333  
 )  
 DISH NETWORK L.L.C, )  
 )  
 Defendant. )

The parties shall confer about matters requiring resolution or discussion at the upcoming pretrial conference and shall prepare a joint agenda for that conference containing all such matters. They shall file the proposed agenda no later than November 29, 2016. On or about that same date, the Court hopes to distribute a draft of the initial jury instructions it plans to verbally give the jury upon empanelment.

The Court would appreciate a written update from counsel on the status of the Illinois case within the next few days; it is fine for that to be submitted via email to the Court's case manager.

The parties shall schedule a final mediated settlement conference with the mediator to take place no later than December 16, 2016. If the parties are unable to get on the mediator's schedule by that date, they shall either agree on another mediator or advise the Court, who will appoint a mediator with scheduling flexibility.

**SO ORDERED**, this 14th day of November, 2016.



Catherine C. Eagles, District Judge

THOMAS H. KRAKAUER, )  
 )  
 Plaintiff, )  
 )  
 v. ) 1:14-CV-333  
 )  
 DISH NETWORK L.L.C, )  
 )  
 Defendant. )

1. Was SSN DISH's agent when it made the telephone calls at issue?

[ ] NO

2. Did SSN make and class members receive more than one telephone solicitation to a residential number in any 12-month period by or on behalf of DISH, when their telephone numbers were listed on the National Do Not Call Registry?

[ ] YES as to Dr. Krakauer and all class members except the following, whose numbers plaintiff has not proven were residential:

[ ] Telephone numbers that LexisNexis identifies as residential before May 1, 2010 or after August 1, 2011

[ ] Telephone numbers that LexisNexis identifies as both residential and “unknown”

☐ Telephone numbers that LexisNexis always identifies as residential, including in the May 2010 to August 2011 time period that the calls were made?

☐ Telephone numbers that LexisNexis identifies as cellular

☐ Telephone numbers that LexisNexis identifies as possibly cellular

*Whatever your answer, answer Question 3. If you Answer Yes in whole or in part, also answer Question 4 and Question 5.*

3. Did SSN make and all class members receive more than one telephone solicitation in any 12-month period, by or on behalf of DISH, when their telephone numbers were on Dish's or SSN's internal Do Not Call list?

☐ YES as to all class members

☐ YES as to all class members except:

☐ Telephone numbers that LexisNexis always identifies as unknown.

☐ Telephone numbers that LexisNexis identifies as residential before May 1, 2010 or after August 1, 2011

☐ Telephone numbers that LexisNexis identifies as "unknown" in the May 2010 to August 2011 time period that the calls were made but identifies differently at other times

☐ Telephone numbers that LexisNexis identifies as both residential and "unknown"

☐ Telephone numbers that LexisNexis always identifies as residential, including in the May 2010 to August 2011 time period that the calls were made?

☐ Telephone numbers that LexisNexis identifies as cellular

☐ Telephone numbers that LexisNexis identifies as possibly cellular

☐ NO

*If you Answer Yes in whole or in part, also answer Questions 4 and Question 5. If you answer No to Questions 2 and 3, skip the remaining questions and sign the verdict sheet.*

4. Did DISH have an established business relationship with the class members [on Exhibit X] at the time of the call?

☐ YES

☐ NO

5. What amount, up to \$500, do you award for each call made in violation of the TCPA?

\_\_\_\_\_

\_\_\_\_\_  
Foreperson

\_\_\_\_\_  
Date